

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GERALD L. REEVES,)
vs.)
Plaintiff,) Case No.: 2:18-cv-01174-GMN-EJY
ANDREW SAUL, Acting Commissioner of)
Social Security¹,)
Defendant.)

Pending before the Court is the Report and Recommendation of United States Magistrate Judge Elayna J. Youschah, (ECF No. 34), which recommends that Plaintiff's Motion for Summary Judgment, (ECF No. 21), be granted in part and denied in part, that Plaintiff's request for reversal and an award of immediate benefits be denied, that Plaintiff's request for remand for further proceedings be granted pursuant to 42 U.S.C. § 405(g), and that Defendant's Cross Motion to Affirm, (ECF No. 22), be denied.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. Local R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. 28 U.S.C. § 636(b)(1); D. Nev. Local R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

¹ Andrew Saul is the current Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also 42 U.S.C. § 405(g) (“Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.”).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See, e.g.*,
3 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

4 Here, no objections were filed, and the deadline to do so has passed.

5 Accordingly,

6 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 34), is
7 **ACCEPTED and ADOPTED** in full.

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment, (ECF
9 No. 21), is **GRANTED in part and DENIED in part**.

10 **IT IS FURTHER ORDERED** that Plaintiff's request for reversal and an award of
11 immediate benefits is **DENIED**.

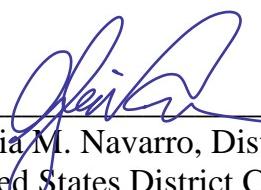
12 **IT IS FURTHER ORDERED** that Plaintiff's request for remand for further
13 proceedings is **GRANTED** pursuant to 42 U.S.C. § 405(g).

14 **IT IS FURTHER ORDERED** that Defendant's Cross Motion to Affirm, (ECF No.
15 22), is **DENIED**.

16 The Clerk of Court is instructed to close this case and enter judgment accordingly.

17 **DATED** this 31 day of March, 2020.

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Gloria M. Navarro, District Judge
United States District Court